

'Custer' Game Is Subject Of Two Lawsuits

NEW YORK—"Custer's Revenge," the controversial video game cartridge, is the subject of two lawsuits in New York and Los Angeles. In one case, its maker, American Multiple Industries, is suing Suffolk County, N.Y. for trying to ban the game, while in Los Angeles, it is being sued by Atari for alleged trademark infringement.

In U.S. District Court for the Eastern District of New York, American Multiple has brought an \$11 million suit against Suffolk County and Philip Nolan, a Suffolk County legislator, because of a resolution authorizing the county executive to take action to halt sales and distribution of both "Custer's Revenge" and "Firebug," another video game.

The resolution says the games "promote violent criminal acts and create an atmosphere in which such crimes appear to be socially acceptable pursuits." In "Custer's Revenge," an electric "solider" fights Indians to get to an Indian maid who is tied to a post.

In its suit Multiple charges that the resolution is an attack on its First Amendment rights, and that no evidence exists that the game will "incite or produce imminent lawless action." In addition to the damages sought, the suit asks the court to enjoin the county official from enforcing the resolution.

"Custer's Revenge" is one of three erotic games compatible with Atari hardware. To inform customers of this, the Atari logo is used on the package. This, says Atari in its Los Angeles suit, implies that the games are made by Atari. The suit demands a jury trial, injunctive relief and damages to be court-determined.